IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. _____

v. : DATE FILED: <u>December 9, 2004</u>

BERNARD ALLEN : VIOLATIONS:

18 U.S.C. §§ 111(a)(1) and

(b)

(assault on a federal officer

- 2 counts)

Notice of additional factors

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about November 4, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

BERNARD ALLEN,

knowingly, by use of a dangerous and deadly weapon, that is, his mouth and teeth, and forcibly assaulted, resisted, opposed, impeded, intimidated, and interfered with S.F., an employee of the Federal Bureau of Prisons, and inflicted bodily injury on him by biting him, while S.F. was engaged in, and on account of, his official duties.

In violation of Title 18, United States Code, Sections 111(a)(1) and (b).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 4, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

BERNARD ALLEN,

knowingly, by use of a dangerous and deadly weapon, that is, his mouth and teeth, and forcibly assaulted, resisted, opposed, impeded, intimidated, and interfered with N.M., an employee of the Federal Bureau of Prisons, and inflicted bodily injury on him by biting him, while N.M. was engaged in, and on account of, his official duties.

In violation of Title 18, United States Code, Sections 111(a)(1) and (b).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1.	In committing the offenses	charged in Counts	One and Two of this
indictment, defendant	t BERNARD ALLEN:		

- a. Committed offenses involving the use of a dangerous weapon, as described in U.S.S.G. § 2A2.2(b)(2)(B).
- b. Committed offenses involving victims who sustained serious bodily injuries, as described in U.S.S.G. § 2A2.2(b)(3)(B).

	A TRUE BILL:	
	FOREPERSON	
PATRICK L. MEEHAN		
United States Attorney		